



PATENT  
Attorney Docket No. 5725.0832-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Véronique FERRARI et al. ) Group Art Unit: 1615  
)  
Application No.: 09/749,036 ) Examiner: VENKAT, J.  
)  
Filed: December 28, 2000 ) Confirmation No.: 5474  
)  
For: COMPOSITION COMPRISING AT )  
LEAST ONE POLYAMIDE )  
POLYMER AND AT LEAST ONE )  
PASTY FATTY SUBSTANCE AND )  
METHODS FOR USE (AS )  
AMENDED)

**MAIL STOP RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants brings to the attention of the Office the documents on the attached listing. This Supplemental Information Disclosure Statement ("Supplemental IDS") is being filed before the mailing of a first Office Action on the merits in this case, after the filing of a Request for Continued Examination.

Copies of the listed documents are attached, excluding any U.S. Patents and U.S. Patent Application Publications.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the office actions in related co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive office actions filed in co-pending applications on the attached form. As previously requested by the Examiner of this application, Applicants have not included copies of the office actions from the co-pending applications issued by this Examiner.

Applicants' representatives understand from the Examiner of this application that in other related co-pending applications, the Examiner considered references cited in the IDS Forms PTO/SB/08 filed but crossed through some of the citations and did not initial the entries to avoid the printing of the those documents on the face of any patent granted there from. In light of the Examiner's representations regarding the crossing-out of references in related co-pending applications, Applicants will consider any entries crossed through by the Examiner in this case as having been properly submitted and considered by the Examiner unless the Examiner specifically states otherwise in the papers returning the form.

Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **EP 1 382 322 A2** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. The document is also believed to be related to U.S. Patent Application Publication No. 2005/0118122, which is listed herewith.
2. **EP 1 477 154 A1** - An abstract of the disclosure of this document can be found in the English language abstract from esp@cenet submitted herewith. The document is also believed to be related to U.S. Patent Application Publication No. 2005/0008595, which is listed herewith.
3. **FR 2 528 699** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. The document is also believed to be related to U.S. Patent No. 4,871,536, which is listed herewith.
4. **FR 2 848 822 A1** - An abstract of the disclosure of this document can be found in the English language abstract from esp@cenet submitted herewith. The document is also believed to be related to U.S. Patent Application Publication No. 2005/0019285, which is listed herewith.
5. **JP 05/17710** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
6. **JP 07/258460** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
7. **JP 09/188830** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

8. **JP 10/158450** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

9. **JP 10/158451** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

10. **JP 10/506643** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. The document is also believed to be related to U.S. Patent Nos. 5,897,869 and 6,103,249, which are listed herewith.

11. **JP 2001/011340** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

12. **WO 96/38126** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. An English language abstract of this document can also be found on the cover of the document submitted herewith. The document is also believed to be related to U.S. Patent Nos. 5,897,869 and 6,103,249, which are listed herewith.

This submission does not represent that a search has been made or that no better art exists, and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON,  
FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 6, 2007

By: Leigh M. Warren  
Leigh M. Warren  
Reg. No. 59,548

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

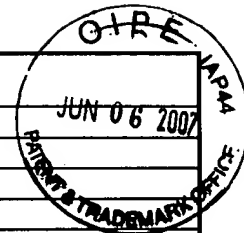
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**Complete if Known**

Application Number	09/749,036
Filing Date	December 28, 2000
First Named Inventor	Veronique FERRARI
Art Unit	1615
Examiner Name	J. VENKAT
Attorney Docket Number	5725.0832-00

**U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		4,871,536	10/3/1998	Arraudeau et al.	
		5,825,543	10/20/1998	Ouderkirk et al.	
		5,897,869	4/27/1999	Roulier et al.	
		6,010,541	1/4/2000	de la Mettrie et al.	
		6,103,249	8/15/2000	Roulier et al.	
		6,299,979	10/9/2001	Neubauer et al.	
		6,387,498	5/14/2002	Coulter et al.	
		6,489,283	12/1/2002	Afriat	
		6,503,521	1/1/2003	Atis et al.	
		6,607,734	8/1/2003	Afriat	
		6,656,487	12/1/2003	Afiat et al.	
		6,689,345	2/1/2004	Jager Lezer	
		US 2004/0156813	8/1/2004	Ferrari	
		US 2004/0223987	11/11/2004	Ferrari	
		US 2005/0008595	1/13/2005	Lee et al.	
		US 2005/0019285	1/27/2005	Lee et al.	
		US 2005/0118122	6/2/2005	Simon et al.	
		US 2006/0257336 A1	11/16/2006	Ferrari et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
		EP 0 462 709 A2	12/27/1991			English
		EP 1 382 322 A2	1/21/2004			Abstract
		EP 1 477 154 A1	11/17/2004			Abstract
		FR 2 528 699	12/23/1983			Abstract
		FR 2 848 822 A1	6/25/2004			Abstract
		JP 5/17710	1/26/1993			Abstract

Examiner  
SignatureDate  
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTO/SB/08: Substitute for form 1449A/PTO			<b>Complete if Known</b>		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)			Application Number	09/749,036	
			Filing Date	December 28, 2000	
			First Named Inventor	Veronique FERRARI	
			Art Unit	1615	
			Examiner Name	J. VENKAT	
Sheet	2	of	3	Attorney Docket Number	5725.0832-00

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		Country Code Number Kind Code (if known)				
		JP 7/258460	10/9/1995			Abstract
		JP 9/188830	7/22/1997			Abstract
		JP 10/158450	6/16/1998			Abstract
		JP 10/158451	6/16/1998			Abstract
		JP 10/506643	6/30/1998			Abstract
		JP 2001/011340	1/16/2001			Abstract
		WO 96/38126	5/12/1996			Abstract
		WO 99/36477	7/22/1999			English

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		English language DERWENT Abstract for EP 1 382 322 A2	
		English language esp@cenet Abstract for EP 1 477 154 A1	
		English language DERWENT Abstract for FR 2 528 699	
		English language esp@cenet Abstract for FR 2 848 822 A1	
		English language DERWENT Abstract for JP 5/17710	
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		English language DERWENT Abstract for JP 10/158451	
		English language DERWENT Abstract for JP 10/506643	
		English language DERWENT Abstract for JP 2001/011340	
		English language DERWENT Abstract for WO 96/38126	
		Office Action in co-pending Application No. 10/746,612 (Attorney Docket No. 05725.1138-01) dated April 19, 2007 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/733,897. (Attorney Docket No. 05725.0809-00) dated January 18, 2007 (Ex. Venkat)	

Examiner Signature		Date Considered	
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Sheet	3	of	3	Attorney Docket Number	5725.0832-00

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		Office Action in co-pending Application No. 09/749,036 (Attorney Docket No. 05725.0832-00) dated January 17, 2007 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/129,377 (Attorney Docket No. 05725.0819-01) dated October 10, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/312,083 (Attorney Docket No. 05725.1187-00) dated September 25, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/450,108 (Attorney Docket No. 05725.1198-00) dated March 21, 2007 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/459,636 (Attorney Docket No. 05725.1336-00), dated August 31, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/699,780 (Attorney Docket No. 05725.0895-02) dated April 10, 2007 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/699,780 (Attorney Docket No. 05725.0895-02), dated September 25, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/746,612 (Attorney Docket No. 05725.1338-01) dated November 3, 2006 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/990,475 (Attorney Docket No. 05725.1004-01) dated January 23, 2007 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/993,430 (Attorney Docket No. 05725.1003-01) dated April 19, 2007 (Ex. Venkat)	
		Richard M. Sayre, "Physical Sunscreens," J. Soc. Cosmet. Chem., 41, 103-109 (March/April 1990)	

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